IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

    Shell S. Simpson, *et al.*

Serial No.: 09/874,106

Filed: June 4, 2001

For: SYSTEM AND METHOD FOR
REQUESTING SERVICE FOR IMAGING
DATA TO A WEB SERVICE

Confirmation No: 6046

Group Art Unit: 2141

Examiner: Shingles, Kristie D.

Atty. Docket No.: 10007657-1

REVISED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed November 27, 2006, responding to the final Office Action mailed September 26, 2006.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. **Real Party in Interest**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. **Related Appeals and Interferences**

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. **Status of Claims**

Claims 1-16 and 18-36 stand finally rejected. No claims have been allowed. Claim 17 has been canceled. The final rejections of claims 1-16 and 18-36 are appealed.

IV. **Status of Amendments**

This application was originally filed on June 4, 2001, with thirty-six (36) claims. In a Response filed December 6, 2004, Applicant amended claims 1, 15, 19, and 36 and canceled claim 17. In a Response filed June 20 2005, Applicant presented remarks without any claim amendments. In a Response filed July 21, 2005, Applicant amended claims 1, 19, and 36. In a Response filed January 20, 2006, Applicant presented remarks without any claim

amendments. In a Response filed July 3, 2006, Applicant amended claims 1, 19, and 36. The claims in the attached Claims Appendix (see below) reflect the present state of Applicant's claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 describe a system for servicing imaging data. The system comprises digital data capable of being represented as two dimensional graphics stored in a personal imaging repository (Figure 1, 30) by a requested web service (Figure 1, 18) operatively connected to a computing device (Figure 1, 12) requesting the service (Figure 1, 18). Applicant's specification, pages 9-10, lines 20-8. The system further comprises a computing device (Figure 1, 12) for requesting service with the requested web service (Figure 1, 18) and a personal imaging repository (Figure 1, 30) associated with a particular user profile for storing imaging data (Figure 1, 34) that is to be accessed by the requested web service (Figure 1, 18). Applicant's specification, pages 9-10, lines 17-8. The personal imaging repository (Figure 1, 30) is an exchange infrastructure between the imaging data (Figure 1, 34) and available web services (Figure 1, 18). Applicant's specification, page 11, lines 3-6. Such a system further comprises user information (Figure 1, 28) for allowing access to the personal imaging

repository and a requested web service (Figure 1, 18) for servicing the imaging data (Figure 1, 34) stored in the personal imaging repository (Figure 1, 30) responsive to a request from a user and upon having access to the personal imaging repository (Figure 1, 30) granted upon receiving the user profile. Applicant's specification, page 11, lines 11-22. The requested web service (Figure 1, 18) has access to add data to the imaging data (Figure 1, 34) stored in the personal imaging repository (Figure 1, 30). Applicant's specification, page 11, lines 19-22, and page 14, lines 26-27. The imaging data (Figure 1, 34) is maintained in the personal imaging repository (Figure 1, 30) once the imaging data (Figure 1, 34) is serviced for a first time. Applicant's specification, page 11, lines 20-22. The imaging data (Figure 1, 34) is made available to be freely used by other web services. Applicant's specification, page 11, lines 20-22, and pages 9-11, lines 1-22.

Embodiments according to independent claim 19 describe a method for requesting service for imaging data (Figure 1, 34). The imaging data (Figure 1, 34) comprises digital data capable of being represented as two dimensional graphics stored in a personal imaging repository (Figure 1, 30). Applicant's specification, pages 9-10, lines 20-8. The personal imaging repository (Figure 1, 30) has an imaging data store (Figure 1, 32) for storing the imaging data (Figure 1, 34) and a composition store (Figure 1, 36) for storing imaging compositions (Figure 1, 38). Applicant's specification, page 10, lines 9-12. The imaging compositions (Figure 1, 38) have links to the imaging data (Figure 1, 34) serviced as a single unit, through a computing device (Figure 1, 12) having a browser (Figure 1, 26) operatively connected to a requested web service (Figure 1, 18). Applicant's specification, page 6, lines 6-7 and page 9,

lines 23-25. The method comprises requesting (Figure 2, 54) service from the requested web service (Figure 1, 18) by the computing device (Figure 1, 12) and sending (Figure 2, 64) user information (Figure 1, 28) to the requested web service (Figure 1, 18) enabling the web service (Figure 1, 18) to access the user's personal imaging repository (Figure 1, 30). Applicant's specification, pages 9-10, lines 17-8. The method further comprises accessing (Figure 2, 68) the personal imaging repository (Figure 1, 30) using the user information (Figure 1, 28) by the requested web service (Figure 1, 18). Applicant's specification, page 11, lines 11-22. The requested web service (Figure 1, 18) has access to add (Figure 4, 110) data to the imaging data (Figure 1, 34) stored in the personal imaging repository (Figure 1, 30). Applicant's specification, page 11, lines 19-22, and page 14, lines 26-27. Such a method further comprises servicing (Figure 3, 76-82) the selected imaging data (Figure 1, 34) by the requested web service (Figure 1, 18) responsive to user selection from the computing device (Figure 1, 12). Applicant's specification, page 11, lines 11-22. The imaging data (Figure 1, 34) is maintained in the personal imaging repository (Figure 1, 30) once the imaging data (Figure 1, 34) is serviced for a first time. Applicant's specification, page 11, lines 20-22. The imaging data (Figure 1, 34) is made available to be freely used by other web services. Applicant's specification, page 11, lines 20-22 and pages 12-16, lines 20-24.

Embodiments according to dependent claim 28 include the features of independent claim 19, as described above, and additionally comprise connecting with the imaging data store (Figure 1, 32) of the personal imaging repository (Figure 1, 30) indicated from the user information (Figure 1, 28) and

transferring the imaging data (Figure 1, 34) to the imaging data store (Figure 1, 32). Applicant's specification, page 15, lines 4-7. The method further comprises obtaining a link reference of the transferred imaging data (Figure 1, 34) stored in the personal imaging data store (Figure 1, 32) and disconnecting from the imaging data store (Figure 1, 32) by the requested web service. Applicant's specification, page 15, lines 13-22.

Embodiments according to dependent claim 33 include the features of independent claim 19, as described above, and additionally comprise connecting with the imaging data store (Figure 1, 32) of the personal imaging repository (Figure 1, 30) indicated from the user information (Figure 1, 28) and transferring the imaging data (Figure 1, 34) to the imaging data store (Figure 1, 32). Applicant's specification, page 15, lines 4-7. The method further comprises obtaining a link reference of the transferred imaging data (Figure 1, 34) stored in the personal imaging data store (Figure 1, 32) and connecting with the composition store (Figure 1, 36) of the personal imaging repository (Figure 1, 30) indicated from the user information (Figure 1, 28). Applicant's specification, page 15, lines 4-9. The method further comprises creating an imaging composition (Figure 1, 38) having a link reference to the imaging data (Figure 1, 34) stored in the personal imaging data store (Figure 1, 30) and saving the imaging composition (Figure 1, 38) to the composition store (Figure 1, 36). Applicant's specification, page 15, lines 13-19. Such a method further comprises setting the imaging composition (Figure 1, 38) as a selected composition available for service in the composition store (Figure 1, 36); and, disconnecting from the composition store (Figure 1, 36) of the personal

imaging repository (Figure 1, 30). Applicant's specification, page 15, lines 16-22.

Embodiments according to independent claim 36 describe a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium. The computer readable program codes when executed cause a computer (Figure 1, 12) to request (Figure 2, 54) service involving imaging data (Figure 1, 34) comprising digital data capable of being represented as two dimensional graphics from the requested web service (Figure 1, 18) by a computing device (Figure 1, 12) and send (Figure 2, 64) user information (Figure 1, 28) to the requested web service (Figure 1, 18) enabling the web service to access (Figure 2, 68) a personal imaging repository (Figure 1, 30) associated with the sent user information (Figure 1, 28). Applicant's specification, pages 9-10, lines 20-8 and page 11, lines 11-22. The repository (Figure 1, 30) contains the imaging data (Figure 1, 34). Applicant's specification, pages 9-10, lines 20-8. The program when executes further accesses (Figure 2, 68) the personal imaging repository (Figure 1, 30) using the user information (Figure 1, 28) by the requested web service (Figure 1, 18). Applicant's specification, page 11, lines 11-22. The requested web service (Figure 1, 18) has access to add (Figure 4, 110) data to the imaging data (Figure 1, 34) stored in the personal imaging repository (Figure 1, 30). Applicant's specification, page 11, lines 19-22, and page 14, lines 26-27. Such a program, when executed, further services (Figure 3, 76-82) the selected imaging data (Figure 1, 34) by the requested web service (Figure 1, 18) responsive to user selection from the computing device (Figure 1, 12). Applicant's specification, page 11, lines 11-22. The

imaging data (Figure 1, 34) is maintained in the personal imaging repository (Figure 1, 30) once thee imaging data (Figure 1, 34) is serviced for a first time. Applicant's specification, page 11, lines 20-22. The imaging data (Figure 1, 34) being made available to be freely used by other web services. Applicant's specification, page 11, lines 20-22 and pages 12-16, lines 20-24.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 1-16, 18-27, 29-32, and 34-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson* (U.S. Patent No. 6,499,016) in view of *Wood '162* (U.S. Patent No. 6,732,162) in further view of *Wood '557* (U.S. Patent No. 6,895,557).

Claims 28 and 33 stand rejected as allegedly being unpatentable over *Anderson* in view of *Wood '162* in further view of *Wood '557* in further view of *Morris* (U.S. Patent No. 6,353,848).

VII. Arguments

The Appellant respectfully submits that Applicant's claims 1-16 and 18-36 are patentable under 35 U.S.C. §103. The Appellant respectfully requests that the Board of Patent Appeals overturn the final rejection of those claims at least for the reasons discussed below.

A.   Applicant's Claims 1, 4-8, 13-14, and 18-22

Claims 1-16, 18-27, 29-32, and 34-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson* (U.S. Patent No.

6,499,016) in view of *Wood '162* (U.S. Patent No. 6,732,162) in further view of *Wood '557* (U.S. Patent No. 6,895,557).

1.   The *Anderson* Disclosure

Anderson discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services.

2.   The *Wood '162* Disclosure

Wood '162 discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services. For example, *Wood '162* describes "[i]n a hosting configuration, the remote server(s) send a URL to each destination web site that links the site back to the processed media object for viewing. In a mirroring configuration, the remote server(s) distribute the processed media objects to the destination web site servers." Col. 3, lines 14-19.

3.   The *Wood '557* Disclosure

Wood '557 discloses "Prepare and Post tools [which] refers to browser-side components which together provide the ability to submit and transport

media objects over the web to be stored and served. Using the Prepare and Post tools, end users can submit images in an immediate, intuitive manner." Col. 2, lines 48-53.

In particular, "the media object identifier functions to provide a graphical interface for placing and associating a media object from a user's desktop onto a web page. The media sender carriers out the function of transmitting media objects to a second location." Col. 3, lines 12-16.

4.   Applicant's Claim 1

a. <u>Claim 1</u>

As provided in independent claim 1, Applicant claims:

> A system for servicing imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:
> a computing device for requesting service with the requested web service;
> a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service, wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services;
> user information for allowing access to said personal imaging repository; and
> a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile, ***wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services.***

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Anderson* in view of *Wood '162* in further view of *Wood '557* does not disclose, teach, or suggest at least the features "wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited and emphasized above in claim 1.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited in the claim.

With regard to *Wood '162*, the Office Action of April 3, 2006 states that *Wood '162* teaches "the maintenance of user's digital images and graphical

files in a database that makes the images and files available to other web site services." Page 4. Applicant respectfully submits however that *Wood '162* fails to teach or suggest "wherein said requested web service <u>has access to add data to said imaging data stored in said personal imaging repository</u>, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited in claim 1. (Emphasis added). For example, at most, *Wood '162* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

With regard to *Wood '557*, the final Office Action of September 26, 2006 states that "*Wood et al.* '557 teach that the web service Prepare and Post intelligence tools are capable of customizing the imaging data uploaded by submitters which includes adding, text, annotations, or encoding to the image media objects (col. 5, lines 2-20)." Page 4. In response, Applicant notes that the Prepare and Post intelligence tools "refer to browser-side components which together provide the ability to submit and transport media objects over the web to be stored and served." Col. 2, lines 48-51. As such, the Prepare and Post intelligence tools are not disclosed to be a web service.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood '162* in further view of Wood '557 has not been made. Therefore, the rejection of claim 1 should be withdrawn.

5.   **Applicant's Claims 2-16 and 18**

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-16 and 18 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and elements of independent claim 1. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Additionally and not withstanding the foregoing reasons for allowability of claims 2-16 and 18, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 2-16 and 18 should be withdrawn.

6. Applicant's Claim 19

As provided in independent claim 19, Applicant claims:

A method for requesting service for imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository having an image data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit, through a computing device having a browser operatively connected to a requested web service, said method comprising the steps of:

requesting service from the requested web service by the computing device;

sending user information to the requested web service enabling the web service to access the user's personal imaging repository;

accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and

servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data

is serviced for a first time, said imaging data being made available to be freely used by other web services.

(Emphasis added).

Applicant respectfully submits that independent claim 19 is allowable for at least the reason that *Anderson* in view of *Wood '162* in further view of *Wood '557* does not disclose, teach, or suggest at least the features "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited and emphasized above in claim 19.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has

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access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in the claim.

With regard to *Wood '162*, the Office Action states that *Wood '162* teaches "the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services." Page 4. Regardless, *Wood '162* fails to teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in claim 19. For example, at most, *Wood '162* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

With regard to *Wood '557*, the final Office Action of September 26, 2006 states that "*Wood et al.* '557 teach that the web service Prepare and Post intelligence tools are capable of customizing the imaging data uploaded by submitters which includes adding, text, annotations, or encoding to the

image media objects (col. 5, lines 2-20)." Page 4. In response, Applicant notes that the Prepare and Post intelligence tools "refer to browser-side components which together provide the ability to submit and transport media objects over the web to be stored and served." Col. 2, lines 48-51. As such, the Prepare and Post intelligence tools are not disclosed to be a web service.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood '162* in further view of *Wood '557* has not been made. Therefore, the rejection of claim 19 should be withdrawn.

7. Applicant's Claims 20-27, 29-32, and 34-35

Because independent claim 19 is allowable over the cited art of record, dependent claims 20-27, 29-32, and 34-35 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20-27, 29-32, and 34-35 contain all the features of independent claim 19. Accordingly, the rejection to these claims should be withdrawn.

Additionally and not withstanding the foregoing reasons for allowability of claims 20-27, 29-32, and 34-35, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 20-27, 29-32, and 34-35 should be withdrawn.

8. Applicant's Claim 36

As provided in independent claim 36, Applicant claims:

> A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed cause a computer to:
>
> request service involving imaging data comprising digital data capable of being represented as two dimensional graphics from the requested web service by the computing device;
>
> send user information to the requested web service enabling the web service to access a personal imaging repository associated with the sent user information, the repository containing the imaging data;
>
> ***accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and***
>
> ***servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services.***

(Emphasis added).

Applicant respectfully submits that independent claim 36 is allowable for at least the reason that *Anderson* in view of *Wood '162* in further view of *Wood '557* does not disclose, teach, or suggest at least the features "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited and emphasized above in claim 36.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in the claim.

With regard to *Wood '162*, the Office Action states that *Wood '162* teaches "the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services." Page 4. Regardless, *Wood '162* fails to teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive

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to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in claim 36. For example, at most, *Wood '162* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

With regard to *Wood '557*, the final Office Action of September 26, 2006 states that "*Wood et al.* '557 teach that the web service Prepare and Post intelligence tools are capable of customizing the imaging data uploaded by submitters which includes adding, text, annotations, or encoding to the image media objects (col. 5, lines 2-20)." Page 4. In response, Applicant notes that the Prepare and Post intelligence tools "refer to browser-side components which together provide the ability to submit and transport media objects over the web to be stored and served." Col. 2, lines 48-51. As such, the Prepare and Post intelligence tools are not disclosed to be a web service.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood '162* in further view of *Wood '557* has not been made. Therefore, the rejection of claim 36 should be withdrawn.

B.   Applicant's Claims 28 and 33

Claims 28 and 33 stand rejected as allegedly being unpatentable over *Anderson* in view of *Wood '162* in further view of *Wood '557* in further view of *Morris* (U.S. Patent No. 6,353,848).

1.   The *Anderson* Disclosure

Anderson discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services.

2.   The *Wood '162* Disclosure

Wood '162 discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services. For example, *Wood '162* describes "[i]n a hosting configuration, the remote server(s) send a URL to each destination web site that links the site back to the processed media object for viewing. In a mirroring configuration, the remote server(s) distribute the processed media objects to the destination web site servers." Col. 3, lines 14-19.

3.   The *Wood '557* Disclosure

Wood '557 discloses "Prepare and Post tools [which] refers to browser-side components which together provide the ability to submit and transport media objects over the web to be stored and served. Using the Prepare and Post tools, end users can submit images in an immediate, intuitive manner." Col. 2, lines 48-53.

In particular, "the media object identifier functions to provide a graphical interface for placing and associating a media object from a user's desktop onto a web page. The media sender carriers out the function of transmitting media objects to a second location." Col. 3, lines 12-16.

4.   The *Morris* Disclosure

Morris teaches that an Internet address is inserted into a data request that is sent to a Web server 161, where the Web server 161 associates the request with an executable program 700 that forwards commands and data between a client and a camera 300. *See* col. 13, lines 30-52.

5.   Applicant's Claims 28 and 33

Because independent claim 19 is allowable over the cited art of record, dependent claims 28 and 33 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 28 and 33 contain all the features of independent claim 19 and *Morris* fails to cure the deficiencies of the *Anderson, Wood '162,* and *Wood '557* references.

For example, *Morris* teaches that an Internet address is inserted into a data request that is sent to a Web server 161, where the Web server 161 associates the request with an executable program 700 that forwards
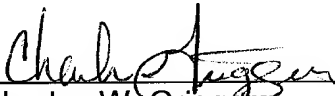
commands and data between a client and a camera 300. *See* col. 13, lines 30-52. As such, *Morris* fails to teach or suggest obtaining a link reference of the transferred imaging data stored in the personal imaging data store, as described in the claims. This is another distinction, among others, between claimed subject matter and the cited art.

Accordingly, the rejection to claims 28 and 33 should be withdrawn.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: _____
Charles W. Griggers
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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1.   A system for servicing imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

a computing device for requesting service with the requested web service;

a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service, wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services;

user information for allowing access to said personal imaging repository; and,

a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services.

2.   The system as defined in claim 1 wherein said requested web service sends a web content responsive to a service request from said computing device.

3.   The system as defined in claim 2 wherein said web content causes said user information to be sent to said web service.

4.   The system as defined in claim 3 wherein said web service accesses said personal imaging repository using said user information.

5.   The system as defined in claim 1 wherein said web service is provided through a web server.

6.   The system as defined in claim 1 wherein said computing device further includes a web browser for displaying and executing web content from the available web services.

7.   The system as defined in claim 1 wherein said personal imaging repository provides the imaging data in a plurality of file formats.

8.   The system as defined in claim 7 wherein said personal imaging repository further comprising a converter for converting the imaging data to any of said plurality of file formats.

9.   The system as defined in claim 7 wherein said plurality of file formats of said personal imaging repository is any one from the group consisting of:

Joint Photographic Experts Group Format;

Graphics Interchange Format;

Portable Network Graphics Format;

Tagged Image File Format;

Portable Document Format; and,

Microsoft Windows bitmap format.

10.   The system as defined in claim 1 wherein said personal imaging repository comprises an imaging data store for storing imaging data.

11.   The system as defined in claim 1 wherein said personal imaging repository comprises a plurality of imaging data stores for storing imaging data.

12.   The system as defined in claim 11 wherein one of said plurality of imaging data stores is assigned to the user associated with said personal imaging repository for user usage.

13.   The system as defined in claim 11 wherein one of said plurality of imaging data stores is assigned to a web service for storing imaging data available to the public.

14.   The system as defined in claim 1 wherein said personal imaging repository comprises a composition store for storing imaging compositions of imaging data serviced as a single unit.

15.   The system as defined in claim 14 wherein an imaging composition comprises the link to each imaging data.

16.   The system as defined in claim 1 wherein said user information is identification and security information used for accessing said personal imaging repository.

17.   Canceled

18.   The system as defined in claim 1 wherein said user information is stored on the computing device.

19.   A method for requesting service for imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository having an imaging data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit, through a computing device having a browser operatively connected to a requested web service, said method comprising the steps of:

requesting service from the requested web service by the computing device; sending user information to the requested web service enabling the web service to access the user's personal imaging repository;

accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and

servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services.

20. The method according to claim 19 wherein said step of requesting service further comprising the steps of:

requesting web content from the requested web service by the browser of the computing device;

receiving the request for web content from the browser by the requested web service;

sending web content to the browser by the requested web service responsive to the request for web content;

receiving the web content from the web service by the browser; and,

displaying and executing the web content by the browser.

21. The method according to claim 20 wherein said step of displaying and executing the web content further comprising the steps of:

sending user information to the requested web service by the browser responsive to the web content; and,

directing the browser to a requested web service responsive to the web content.

22. The method according to claim 20 further comprising the steps of:

sending user information to the requested web service; and,

directing the browser to a requested web service responsive to the web content.

23.   The method according to claim 19 wherein said step

of accessing the personal imaging repository further comprising the steps of:

connecting with the composition store of the personal imaging repository by the web service;

obtaining a list of the imaging composition stored in the composition store by the web service;

constructing a web content including a list of the imaging composition by the web service and control for selecting the available service; and,

sending the constructed web content to the browser by the web service for user selection.

24.   The method according to claim 23 further comprising the steps of:

receiving the constructed web content from the web service by the browser; and,

displaying the constructed web content for user selections by the browser.

25.   The method according to claim 23 further comprising the steps of:

requesting a selected composition in a specified format from the composition store by the web service responsive to user selection;

receiving a request for user selected composition in a specified format from the web service by the composition store;

obtaining each imaging data indicated by the selected composition from its proper location;

sending the imaging data linked from the user selected composition in the specified format to the web service by the composition store; and,

receiving the imaging data in the specified format from the composition store by the web service.

26.   The method according to claim 25 wherein said step of sending the imaging data further comprising the steps of:

determining whether the imaging data needs to be converted into the specified format; and,

converting the imaging data in the specified format when the imaging needs to be converted into the specified format.

27.   The method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of:

connecting with the imaging data store of the personal imaging repository indicated from the user information; and,

transferring the imaging data to the imaging data store.

28.   The method according to claim 27 further comprising the steps of:

obtaining a link reference of the transferred imaging data stored in the personal imaging data store; and,

disconnecting from the imaging data store by the requested web service.

29.   The method according to claim 27 wherein said step of connecting with the imaging data store further comprising the steps of:

determining whether the connection with the imaging data store is successful; and,

returning an error message to the user when the connection is not successful.

30.   The method according to claim 27 wherein said step of connecting with the imaging data store further comprising the step of converting the imaging data into a predefined format.

31.   The method according to claim 30 wherein said predefined format is any one from the group consisting of:

Joint Photographic Experts Group Format;

Graphics Interchange Format;

Portable Network Graphics Format;

Tagged Image File Format;

Portable Document Format; and,

Microsoft Windows bitmap format.

32.   The method according to claim 27 further comprising the steps of:

obtaining a link reference of the transferred imaging data stored in the personal imaging data store;

connecting with the composition store of the personal imaging repository indicated from the user information;

creating an imaging composition having a link reference to the imaging data stored in the personal imaging data store; and,

saving the imaging composition to the composition store.

33.   The method according to claim 32 further comprising the steps of:

setting the imaging composition as a selected composition available for service in the composition store; and,

disconnecting from the composition store of the personal imaging repository.

34.   The method according to claim 32 wherein prior to the step of creating an imaging composition further comprising the steps of:

determining whether the connection with the composition store is successful; and,

returning an error message to the user when the connection to the composition is not successful.

35.   The method according to claim 32 wherein said step of creating an imaging composition further comprising the step of adding the link reference of the imaging data stored in the imaging data store to the imaging composition.

36.   A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed cause a computer to:

request service involving imaging data comprising digital data capable of being represented as two dimensional graphics from the requested web service by the computing device;

send user information to the requested web service enabling the web service to access a personal imaging repository associated with the sent user information, the repository containing the imaging data;

access the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and,

service the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.